

Conflict of Interest Law (Municipal) - Narration Script

This document provides the entire script for the *Conflict of Interest Law* e-Learning course. Note that you can also view the script for each individual page by clicking the **Script** tab on the left of the course screen.

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3	<p>Getting Started</p> <p>Introduction</p> <p>Hello, my name is David Giannotti, Chief of the Public Education Division of the State Ethics Commission. Welcome to the Commission's Conflict of Interest Law online training program. This e-learning course provides an overview of the state conflict of interest law.</p> <p>It covers various issues you may encounter as a public employee and provides examples and reference information to help you recognize conflicts of interest. Recognizing and properly responding to a conflict of interest is a key element to maintaining the public's confidence in government and in the integrity of the work we do as public employees.</p> <p>This course is not designed to make you an expert on the conflict of interest law, but rather, will enable you to recognize when a conflict of interest situation arises, so that you can then make the correct decision or seek advice to help you do so. If, after taking this course, you have any questions or concerns, please do not hesitate to contact the State Ethics Commission.</p> <p>Thank you for taking the time to complete this training. I hope you find this course informative and helpful as you carry out your duties as a public employee.</p>
4	<p>Target Audience</p> <p>Welcome to the State Ethics Commission's Conflict of Interest Law e-Learning course.</p> <p>In order to comply with the 2009 Ethics Reform Act, all public employees are required to complete this training program every two years. New employees must complete the training within 30 days of becoming a public employee and every two years thereafter. After successfully completing the training, if you launched this course by logging into PACE or some other LMS, you will need to click the "Course Credit" button so that your employer will have a record that you completed this mandatory course. Alternatively, you will click the "Print Certificate" button to print out a completion certificate to submit to your employer.</p> <p>Click the Next button to continue.</p>

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5	<p>Who should take this Training?</p> <p>Anyone who performs services for a municipality is a public employee for purposes of the conflict of interest law.</p> <p>You are a public employee if you:</p> <ul style="list-style-type: none"> • Are elected or appointed; • Have a full-time, part-time, intermittent or consulting position or office with a municipal agency; and • Are paid or unpaid. <p>If you perform services for a municipality as a volunteer or serve on an elected or appointed board or committee, you are a municipal employee for conflict of interest law purposes.</p>
6	<p>What you will learn</p> <p>This course provides information that will help you to understand and comply with the conflict of interest law, General Laws Chapter 268A.</p> <p>The law governs situations where municipal employees' public responsibilities and private interests intersect. We will review the various sections of the law so that you will be able to recognize a conflict of interest, and understand how to comply with the law.</p> <p>Click the Next button to continue.</p>
7	<p>How to use this course</p> <p>Before moving on, let's review the features of this e-Learning course. To move from one topic to the next, use the Next and Previous arrow buttons, conveniently located in both the top and bottom right corners of the screen.</p> <p>It is recommended that you use the Next arrow button to move from topic to topic, advancing through the course in the order in which the topics are presented.</p> <p>In the top right corner, the "Home" button will bring you to the beginning of the course and the "Exit" button will close the course.</p> <p>The Help drop- down menu provides access to a number of useful tools, including a job aid that describes the course features, documents listing available accessibility features and shortcut keys, and an option to send us your comments and feedback.</p> <p>The Options drop-down menu provides additional options available in this course, including the ability to print the current screen, as well as access to the course glossary and other resources. Here, you can also view and optionally print the narrated script for the entire course.</p> <p>The Table of Contents on the left allows you to jump to any topic in the course by clicking on that topic. Click the "+" or "-" icons to expand or contract the list of course topics. You will find this interactive table of contents useful when reviewing course material. To view the narrated script for the current page, you click on the Script tab. Click the Contents tab to return to the Table of Contents view.</p>

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	<p>At the bottom of the course window, you will find the audio controller. You can pause the audio and screen animation, and resume where you left off by clicking the play button. You can click the stop button to stop the audio and then click the play button to start the current topic again from the beginning. You can also restart the current topic from the beginning by clicking on the Refresh button.</p> <p>You can mute the course audio at any time by clicking the Mute audio button. This action will mute the course audio until you click the button again to unmute.</p> <p>To view or print the two page job aid that describes the features of this course, click the Help menu; then click Using this Course.</p> <p>Click on the Next arrow button when you are ready to continue.</p> <p>At the bottom of the course window, you will find the audio controller. You can pause the audio and screen animation, and resume where you left off by clicking the play button. You can click the stop button to stop the audio and then click the play button to start the current topic again from the beginning. You can also replay the current topic from the beginning by clicking on the Refresh button.</p> <p>You can mute the course audio at any time by clicking the Mute audio button. This action will mute the course audio until you click the button again to unmute.</p> <p>If you need to interrupt your training, you may save your place and return to it at a later time. To do so, click "Favorites" on the Internet Explorer drop down menu and choose "Add to Favorites."</p> <p>To view or print the two page job aid that describes the features of this course, click the Help menu; then click Using this Course.</p> <p>Click on the Next arrow button when you are ready to continue.</p>
8	<p>Assessing your Knowledge</p> <p>You must complete the entire program to receive credit. To help you assess your learning, knowledge checks are interspersed throughout the training. The questions are not scored or graded.</p> <p>At the end of each lesson, you will be provided with examples of conflict of interest situations, and you will be asked several questions to help you understand and apply the information you've learned. For each question, you will be given several possible answers. If you select an incorrect answer, you will receive additional information to assist you in selecting the correct answer. You must answer every question correctly to advance through the course.</p> <p>If you have difficulty answering any question presented in a lesson, you can use the Contents menu to review the related topics before responding to the question again.</p> <p>After completing the course, a final course assessment will be provided. You will be asked ten questions relating to various sections of the Conflict of Interest Law. You must answer each question correctly before you can move to the next question. After successfully completing the course assessment, you will have completed the training and can request credit for fulfilling the online training requirement.</p> <p>Click the Next button to continue.</p>

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9	<p>Acknowledge Course Completion</p> <p>At the end of the final course assessment, please make sure you click the Credit button to acknowledge that you have completed the course. A notice of completion will then be sent to your public employer.</p> <p>If your work location does not use a learning management system to track employee training, please follow the instructions that accompanied the training to acknowledge course completion of this mandatory course in order to receive course credit.</p>
10	<p>Conflict of Interest Law Overview What is a Conflict of Interest?</p> <p>The conflict of interest law serves the public interest by promoting integrity and confidence in public service. The law prevents conflicts between private interests and public duties so that the general public can have confidence that public employees perform their duties objectively and in the best interests of their employer without undisclosed outside influences that might impair their objectivity.</p> <p>Conflicts of interest typically arise in situations where a public employee's public responsibilities and private interests or relationships intersect. They can occur while you are working at your public job, after hours while you are attending to private matters that might also involve government, or after you leave government service if you plan to represent clients or a new employer before your former public agency. If a conflict issue arises, it is important for you to seek advice before you act or participate in a matter. The Ethics Commission can provide you with confidential advice about how the conflict of interest law applies to your situation.</p> <p>Note that in some instances, when a conflict arises, you may be able to participate in a matter in which you would otherwise be prohibited from participating if you first file a disclosure. Disclosure forms are available on the Commission's website, www.mass.gov/ethics.</p>
11	<p>Types of Conflict Gift Restrictions</p> <p>The conflict of interest law places restrictions on your ability to solicit or accept gifts from people with whom you have official dealings or that are given because of your official position. For example, the conflict of interest law prohibits you from soliciting or accepting gifts of any kind or value if the gift constitutes a bribe. In addition, gifts worth \$50 or more given "for or because of" any official action you take or have taken as a public employee are prohibited, as well as gifts that are worth \$50 or more that are given because of your official position.</p>
12	<p>Self-dealing and Nepotism / Standards of Conduct</p> <p>Self-dealing and nepotism are other types of conflicts. The conflict of interest law places restrictions on your ability to participate in matters that affect your financial interests, the financial interests of your immediate family members, or businesses with which you are affiliated or with which you are negotiating employment. The law also includes standards of conduct that prohibits you from using your position to obtain unwarranted</p>

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	<p>privileges for yourself or your friends or family members, requires that you disclose any instances when you act as a public employee and someone or some organization with whom you have a private connection is affected, and prohibits you from disclosing confidential information you learned in the course of your public employment to anyone not authorized to receive it.</p>
13	<p>Divided Loyalties/Financial Interest in Contracts/Revolving Door Restrictions</p> <p>In addition to gift restrictions and standards of conduct, the conflict of interest law imposes a duty of loyalty on you to the level of government (state, county or municipal) you serve. As such, the law restricts whether you can represent private interests before the level of government you serve or even from being paid privately in connection with jobs where your level of government may have an interest. To avoid “inside track” dealing, the law also prohibits you from having a financial interest in government contracts or from having a second public position with the same level of government that employs you, unless an exemption applies. If you leave your public position, the conflict of interest law’s “Revolving Door Restrictions” may restrict whether you can represent private interests before your former level of government.</p>
14	<p>Penalties for Violation of the Law</p> <p>The Ethics Commission may impose civil penalties of up to \$10,000 for each violation of the conflict law, except for bribery violations, which carry a civil penalty of up to \$25,000. There are also criminal penalties for violations of most sections of the law.</p>
15	<p>Gift Restrictions Bribery</p> <p>A bribe occurs when anything is given to you in exchange for some official action you take as a public employee. You are prohibited from soliciting or accepting a bribe. Giving or offering a bribe is also illegal. Bribes can be any amount and involve corrupt intent.</p>
16	<p>Gifts Restrictions Overview</p> <p>Now, let’s look at gift restrictions in more detail. There are several sections of the conflict of interest law that impose restrictions on gifts to public employees. You may not ask for, or accept, gifts valued at \$50 or more where there is a connection between the gift and action you could take or already have taken as a public employee, or gifts valued at \$50 or more where the gift is given because of your official position.</p>
17	<p>Gifts and Gratuities - The Law</p> <p>Unless an exemption applies, a gift of anything worth \$50 or more, such as meals, entertainment, event tickets, golf, gift baskets, and payment of travel expenses is prohibited by the conflict of interest law, if given for or because of your official actions, or if given because of your position. Small, separate gifts from the same source, given within a 365 day period, will be added together. If the total value is \$50 or more, such</p>

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	gifts generally will violate the conflict law.
18	<p>Gifts and Gratuities What is the value of a gift?</p> <p>The Ethics Commission, in determining the value of admission to sports, theater or other events, will use fair market value, ticket face value or ticket cost, whichever is the greater amount. If access to an event does not require a ticket, then the event sponsor's cost per person will be determined to establish the value.</p>
19	<p>Gifts and Gratuities Violation Examples</p> <p>Examples of violations would include:</p> <p>A highway department foreman allows a pavement contractor to buy him a \$15 lunch every day during a two-month road repaving project;</p> <p>A council on aging employee assists an elderly client and receives a \$50 restaurant gift certificate from the client; and</p> <p>A school department facilities manager accepts Red Sox tickets from the cleaning company vendor.</p>
20	<p>Regulatory Exemptions</p> <p>In certain situations, a public employee's receipt of a gift does not present a genuine risk of a conflict of interest, and it may be in the public interest to allow the public employee to accept such a gift. Through the issuance of regulations, the Ethics Commission has created exemptions specifying the types of situations where giving and receiving gifts is permitted.</p> <p>For example, one exemption allows non-governmental entities or organizations to reimburse, waive or pay for your travel-related expenses so that you may attend conferences or educational events, when doing so serves a legitimate public purpose.</p> <p>Under the exemption, appointed employees must file a written disclosure and obtain the written approval of their appointing authorities to accept such payment.</p> <p>Another exemption allows public employees to accept incidental hospitality while attending events that serve a legitimate public purpose. All of the regulatory exemptions are posted on the Commission's website, www.mass.gov/ethics.</p>
21	<p>Regulatory Exemptions (930 CMR 5.00) - Example</p> <p>For example, a non-profit organization established to improve student graduation rates offers to pay the travel expenses of the school superintendent to attend a training conference on reducing the incidence of students dropping out. In order to accept this gift, the superintendent must fill out a disclosure form and obtain the prior written</p>

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	approval of the school committee, her appointing authority.
22	Question 1 Now answer the following questions to check your knowledge.
23	Question 2
24	Question 3
25	Question 4
26	Question 5
27	Self-Dealing and Nepotism Overview The conflict law prohibits you from participating, in your public position, in any particular matter in which you, a member of your immediate family or a partner has a financial interest. You are prohibited from participating in matters affecting the financial interests of businesses, including certain non-profit organizations, in which you serve as an officer, director, trustee, partner or employee. The law also prohibits you from participating in matters affecting the financial interests of any person or organization with whom you are negotiating for prospective employment.
28	Definition of Immediate Family Immediate family members include you and your spouse, your parents, your spouse's parents, your brothers and sisters, your spouse's brothers and sisters, your children and your spouse's children.
29	Self Dealing/Nepotism Examples Examples of violations include: A member of the Board of Selectmen votes to approve a contract to a non-profit business organization on whose board of directors he sits; The town procurement officer recommends that a contract be awarded to a company that employs the procurement officer part-time; A town treasurer selects an investment firm owned by her spouse's brother to advise the town on its investment fund performance; and A part-time building inspector approves a commercial development permit for a company at the same time he is interviewing for a job with that company.
	Definition of Terms

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30	<p>- Participation and Financial Interest</p> <p>As mentioned, avoiding a conflict of interest might require you to abstain from participating in certain matters if your financial interests are affected. The term “participation” includes discussing as well as voting on matters, and also includes delegating a matter to someone else to handle.</p> <p>A public employee’s financial interest in a matter can be of any size and may be either positive or negative, which means that even if the particular matter adversely affects your financial interests, you still have to abstain to avoid violating the conflict of interest law. A conflict arises under the law when the financial interest is direct and immediate or reasonably foreseeable. Financial interests that are remote, speculative or not sufficiently identifiable do not create a conflict.</p>
31	<p>Definition of Terms - Exception</p> <p>If you are a member of a municipal board or committee, you may be allowed to participate in matters even if your financial interests are affected, if the particular matter involves a determination of general policy and your financial interest or the financial interests of members of your immediate family are shared with a substantial segment of the population of the municipality.</p> <p>For example, Water and Sewer Commission members can vote on residential water and sewer rate changes despite their own financial interests being affected if their financial interest is shared by all property owners in the municipality.</p>
32	<p>Actions You Should Take</p> <p>If a matter comes before you that is a conflict of interest because it affects your financial interests, you should not participate in the matter. You may, however, participate in the matter if you first file a written disclosure of your financial interest with your appointing authority. Note that your appointing authority is the person at your agency who is responsible for your appointment.</p> <p>After you file a written disclosure of your financial interest, if you obtain a written determination from your appointing authority that your financial interest in the matter is not so substantial that it is likely to affect the integrity of your services, then you may participate in the matter. Any such written determination must be obtained before you participate in the matter, and it must be maintained as a public record. If you do not obtain such a determination, or if you are elected or do not have an appointing authority for any other reason, you must not participate in the matter.</p>
33	<p>Rule of Necessity Explanation</p> <p>The Rule of Necessity may be used by elected boards if a quorum cannot be obtained due to conflicts of interest that require members to abstain from participating in the matter. For conflicts of interest that can be dispelled by making a written disclosure of the relevant facts, the Rule of Necessity may not be invoked. The Rule may only be used as a last resort, in other words, an effort should be made to find another board or</p>

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	<p>authority in the municipality with the legal power to act in place of the board.</p> <p>While the absence of one or more board members is generally not sufficient cause to invoke the Rule of Necessity, if a board is legally required to take action by a certain time and is unable to do so because of the lack of a quorum due to conflicts of interest of board members, the Rule of Necessity may be invoked. The Ethics Commission recommends that before invoking the Rule of Necessity, boards should obtain legal advice from town or city counsel or the Ethics Commission. Improper use of the rule could result in a violation of the conflict of interest law.</p>
34	<p>Rule of Necessity Using the Rule</p> <p>Once it has been determined that invoking the Rule of Necessity by an elected board is proper, it should be invoked by one or more of the otherwise disqualified members. It should be clearly indicated in the meeting minutes that, due to conflicts of interests that required members to abstain, the board lacked a sufficient number of members necessary to take a valid vote and, as a last resort, those disqualified may now participate under the Rule of Necessity.</p> <p>Each disqualified member who wishes to participate under the Rule of Necessity must first disclose publicly the facts that created the conflict. Invoking the Rule of Necessity does not require all previously disqualified members to participate; it merely permits their participation.</p>
35	<p>Question 1</p> <p>Now answer the following questions to check your knowledge.</p>
36	<p>Question 2</p> <p>no script.</p>
37	<p>Question 3</p> <p>no script</p>
38	<p>Standards of Conduct Improper Use of Position - Overview</p> <p>You may not use your public position to obtain unwarranted benefits or privileges worth \$50 or more for yourself or others. For example, the conflict of interest law prohibits the use of your public title, public time or public resources such as photocopiers, computers, and fax machines, for non-public purposes.</p>

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39	<p>Violation Examples</p> <p>Examples of violations include:</p> <p>A city employee writes a novel in her office during her normal work hours, using her office computer. She also directs her administrative assistant to proofread the draft and to make copies.</p> <p>A health agent waives a required permit fee for his friends.</p> <p>A DPW employee uses his take-home town pick-up truck to work at his private landscaping business on weekends.</p> <p>A town manager hires her friend for a town job without following established hiring procedures.</p>
40	<p>Appearance of a Conflict of Interest Overview</p> <p>The conflict of interest law prohibits you from acting in a manner that would cause a reasonable person to think that you would show favor or bias toward someone, or that you can be improperly influenced. When performing your official duties, you must consider whether your private relationships and affiliations reasonably could be viewed as affecting your ability to act fairly and objectively.</p> <p>You may avoid violating this provision of the law by making a written public disclosure of the facts that would otherwise lead someone to believe that you could be improperly influenced before you participate in the matter. By doing so, you will have dispelled the appearance of a conflict of interest. If, however, you cannot actually be fair and objective because of a private relationship or affiliation, you should not participate in the matter.</p>
41	<p>Appearance of a Conflict of Interest Example of an Appearance of Conflict</p> <p>For example, a town employee has a cousin who owns a business that has submitted a response to a request for proposals from the employee's department. The town employee is a member of the selection panel that will review the proposals. A reasonable person would conclude that the town employee might favor her cousin's company when reviewing the responses. Assuming that the town employee can be fair and impartial, then, prior to participating in the matter, the town employee must file a written disclosure with her appointing authority disclosing her relationship with her cousin and her cousin's involvement in the matter. If the employee makes this disclosure, she will not violate the law.</p>
42	<p>Disclosing Confidential Information</p> <p>While a public employee and after you leave public service, you may not disclose material or data which are exempt from the definition of a "public record," which you acquired in the course of your public duties. In addition, you may not use such material</p>

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	to further your personal interest. You may not accept employment or engage in any business activity which would require you to disclose confidential information you learned in the course of your public employment.
43	<p>Prohibited Outside Employment</p> <p>The conflict of interest law prohibits you from accepting other employment in the same municipality if the responsibilities of the new job are “inherently incompatible” with the responsibilities of your public position.</p> <p>For example, a full-time building inspector would be prohibited from working as a private home inspector in the same municipality;</p> <p>A police officer would be prohibited from working private security in the same municipality; and</p> <p>A zoning board of appeals member would be prohibited from operating a business in the same municipality that instructs individuals and businesses how to obtain zoning bylaw variances from the ZBA.</p>
44	<p>False Claims Prohibited</p> <p>The conflict of interest law prohibits a public employee from presenting a false or fraudulent claim to his employer for any payment or benefit of substantial value. Examples of the types of claims that fall within this prohibition, if fraudulent, are :</p> <ul style="list-style-type: none"> • Leave time requests • Workers Compensation claims or injury reports • Expense reports • Overtime claims
45	<p>Question 1</p> <p>Now answer the following questions to check your knowledge.</p>
46	<p>Question 2</p> <p>no script.</p>
47	<p>Question 3</p> <p>no script.</p>
48	<p>Question 4</p> <p>no script.</p>
49	<p>Divided Loyalties</p> <p>Overview</p> <p>Your municipal employer is entitled to your undivided loyalty. Therefore, the conflict of interest law prohibits you from being paid by other people and organizations in relation to</p>

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	<p>matters in which the municipality has an interest.</p> <p>You are also prohibited from acting as agent or attorney for other people and organizations in matters in which the municipality has an interest. "Acting as agent" includes contacts you make on someone else's behalf in person, by telephone, by email and in writing. Acting as agent will also include serving as a liaison, or spokesperson, and signing documents.</p>
50	<p>Representing Yourself is Permitted</p> <p>You should be aware that the law does not prohibit you from representing yourself and your own personal interests, even before your own public agency or board, on the same terms and conditions that apply to other members of the general public.</p>
51	<p>Exceptions to the Rule</p> <p>The Divided Loyalties section of the conflict of interest law also contains several exceptions which allow you to represent others before your municipality in the following ways:</p> <p>You can represent others in personnel or disciplinary proceedings as long as you are unpaid for doing so.</p> <p>You can represent your immediate family members or any other person if you are serving as their guardian, executor, administrator, trustee or other personal fiduciary as long as your appointing authority approves of you doing so and, as a municipal employee, you did not participate in the matter and it is not the subject of your official responsibility.</p> <p>You can provide testimony and sworn statements on someone's behalf in any judicial or quasi-judicial proceeding.</p> <p>You can apply for building, electrical, wiring, plumbing, gas fitting or septic system permits and be paid by private parties for doing this type of contracting work unless you are employed by, or providing services to, the municipal department that issues the permit or any agency that regulates the activities of the municipal department that issues the permit.</p>
52	<p>Violation Examples</p> <p>Examples of violations include:</p> <p>You work for the Highway Department. An elderly neighbor is filling out a Housing Authority application for a housing unit and asks you to contact the Housing Authority on her behalf because you are familiar with the process. The conflict of interest law would prohibit you from doing so because the municipality has an interest in the Housing Authority application, and your loyalty to the municipality would be compromised by your representing your neighbor in the matter.</p> <p>You work full-time for the School Department but also have a part-time job with an engineering firm. A private developer wants to hire you to review plans that require</p>

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	<p>approval by the planning board. You would not have to represent the developer before the planning board. The conflict of interest law would prohibit you from being paid privately by the developer to review the plans because the municipality has an interest in the matter because it must approve the plans.</p>
53	<p>Special Municipal Employees - Definition</p> <p>The conflict of interest law applies the divided loyalties section less restrictively to municipal employees who hold positions designated as “special municipal employees.” Municipal positions are eligible to be designated as special municipal employees if:</p> <p>The position is unpaid;</p> <p>The position is appointed and compensated for less than 800 hours in a year;</p> <p>The position allows for private or personal employment during normal work hours, and</p> <p>The city council, board or aldermen or board of selectmen designate the position as a special municipal employee position.</p>
54	<p>Special Municipal Employees - Permissible Conduct</p> <p>In general, special municipal employees may receive compensation from someone other than the municipality and may act as an agent for someone other than the municipality provided that:</p> <p>They did not participate in the matter as a municipal employee;</p> <p>The matter is, and was not, within one year, the subject of their official responsibility as a municipal employee; and</p> <p>The matter is not pending in the municipal department in which they are serving. (Note that this last provision does not apply to special municipal employees who serve for less than 60 days in a 365 day period.)</p> <p>You have official responsibility for a matter even if you don’t participate in it, if it is before your board. If that is the case, the law would prohibit you from being paid by, or acting as agent for others, with respect to that matter.</p>
55	<p>Special Municipal Employees - Examples</p> <p>Some examples of municipal positions that can be designated as special municipal employees include:</p> <p>Boards and Committees</p> <ul style="list-style-type: none"> • Board of Health • Conservation Commission • Planning Board

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	<ul style="list-style-type: none"> • Zoning Board of Appeals • Parks and Recreation Commission • School Committee • Historic District Commission <p>Appointed Positions:</p> <ul style="list-style-type: none"> • Part-time building, wiring, or plumbing inspectors • Part-time health agents • Call firefighters • Reserve police officers • Part-time clerks
56	<p>Question 1</p> <p>Now answer the following questions to check your knowledge.</p>
57	<p>Question 2 no script.</p>
58	<p>Question 3 no script.</p>
59	<p>Prohibited Financial Interests in Contracts Overview</p> <p>The conflict of interest law generally prohibits you from having a direct or indirect financial interest in a municipal contract. This provision of the law is intended to prevent you from having an “inside track” to other jobs or other financial opportunities with the same municipality that employs you.</p> <p>There are many exemptions to this provision of the conflict of interest law. If you want advice about whether you need an exemption or which exemption applies to your situation, you should contact your municipal counsel or the Commission’s Legal Division.</p>
60	<p>Financial Interests in Contracts - Exemptions</p> <p>You may not have a second paid position with the municipality, unless you are able to obtain an exemption. You are also prohibited from having a financial interest in a contract with the municipality, unless you are able to obtain an exemption. There are numerous exemptions that may allow a municipal employee to hold a second municipal position or have a financial interest in another contract with their municipality.</p> <p>Whether an exemption applies is dependent on the specific facts, such as:</p> <ul style="list-style-type: none"> • Is the second contract permitted with an exemption • Is the second contract with the same municipal department or agency

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	<ul style="list-style-type: none"> • Is a written disclosure required to be filed by the employee prior to acquiring the second contract • Has the municipal employee's position been designated as a special municipal employee • Has the second municipal position been designated as a special municipal employee position • Is the additional contract with a different municipal department • Will the second contract work be completed outside the employee's normal work hours. • Does having the second contract require approval by the Board of Selectmen <p>If you plan to seek a second paid or unpaid municipal position or acquire a financial interest in a municipal contract, contact the Commission to find out if you need an exemption and if so, what you must do to comply with the exemption.</p>
61	<p>Violation Examples</p> <p>Examples of violations include:</p> <p>A full-time highway department employee who owns a private engineering company cannot be awarded a contract to provide engineering services to the school department, because, as a highway department employee, he would have a prohibited financial interest in the school department contract.</p> <p>A full-time municipal employee cannot be paid privately by a non-profit organization to work on a human services contract that is funded by the municipality because, as a municipal employee, she would have a prohibited financial interest in the human services contract.</p> <p>A full-time municipal employee cannot have a second, paid position with the municipality, because, he would have a prohibited financial interest in the second position.</p>
62	<p>Question 1</p> <p>Now answer the following questions to check your knowledge.</p>
63	<p>Question 2</p> <p>No script.</p>
64	<p>Question 3</p> <p>No script.</p>

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65	<p>Restrictions after Leaving Public Overview</p> <p>The conflict of interest law places certain restrictions on what you may do even after you leave public employment. The law is intended to prevent public employees from making official judgments with an eye toward their personal future interests, from leveraging the relationships established in their former positions, or from profiting from their participation in particular decisions or controversies after they leave public service. The law does not prohibit former employees from using general expertise gained while employed by the government.</p>
66	<p>Forever Ban</p> <p>If you are a former municipal employee, you may not be paid by, or act as agent or attorney for, anyone other than the municipality in connection with any particular matters in which the municipality is a party or has a direct and substantial interest and in which you participated as a municipal employee.</p>
67	<p>Forever Ban</p> <p>Examples of violations include:</p> <p>A municipal employee made recommendations about a bylaw enacted by her municipality. She then leaves her municipal position to take a job in the private sector. Ten years later, she wants to challenge the validity of the bylaw on behalf of her private employer.</p> <p>A municipal employee manages an IT contract. He leaves his municipal job and begins working for the vendor. He cannot be paid by his new employer to manage the IT contract with the municipality.</p> <p>Click the Next button to continue.</p>
68	<p>One Year Cooling Off Period - Overview</p> <p>If you are a municipal employee, for one year after you leave municipal employment, you may not appear personally before any municipal agency as an agent or attorney for anyone other than the municipality, in connection with any particular matter in which the municipality has a direct and substantial interest and which was under your official responsibility as a municipal employee at any time during your last two years as a municipal employee.</p> <p>Click the Next button to continue.</p>

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69	<p>One Year Cooling Off Period - Example</p> <p>For example, if you were the DPW Commissioner, you had official responsibility for all of the matters pending in the DPW, even if you did not personally work on all of them. You left your position on November 1, 2010. Until November 2, 2011, you are prohibited from appearing personally as an agent or attorney for any private party before any municipal department in connection with any of the particular matters that were under your official responsibility at any time on or after November 1, 2008.</p>
70	<p>Partners of Former Public Employees - Restrictions on Partners of Former Municipal Employees</p> <p>The conflict of interest law also restricts partners of former employees from doing what the former employee is not permitted to do under the forever ban. Partners of former municipal employees must wait one-year before engaging in any activity in which the “forever ban” restricts the former municipal employee.</p>
71	<p>Question 1</p> <p>Now answer the following questions to check your knowledge.</p>
72	<p>Question 2</p> <p>No script.</p>
73	<p>Members of Commissions and Boards - Restrictions on Additional Appointment</p> <p>The conflict of interest law prohibits the members of municipal commissions or boards from appointing one of their members to any office or position under the supervision of their commission or board.</p> <p>A former member of a commission or board cannot have his application for appointment to an office or position supervised by the commission or board considered until thirty days after the member of the commission or board ends their service on the commission or board. This restriction does not apply to a member of a town commission or board if the appointment to an office or position supervised by the commission or board has first been approved at an annual town meeting.</p>
74	<p>Members of Commissions and Boards - Restrictions on Additional Appointment</p> <p>Municipal employees may also run for election to the city council, board of aldermen or board of selectmen, and serve in the position if elected without having to take a leave of absence from their municipal position, but the conflict of interest law places conditions on this dual service. First, they may only collect one salary, but they may choose which</p>

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	<p>salary. Second, while acting as a city councilor, alderman or selectman, they cannot participate in matters within the purview of the municipal department that employs them or over which they have official responsibility. Third, while a city councilor, alderman or selectman, and for six months after they leave the city council, board of aldermen or board of selectmen, they are ineligible for any other appointment with the municipality, including internal department or agency promotions.</p>
75	<p>Assessment</p> <p>Assessment Instructions</p> <p>The learning assessment should take approximately 5 minutes to complete. After completing the assessment, you will be able to complete the program and notify your employer.</p> <p>The assessment questions cover all sections of the conflict of interest law. You must answer each question correctly before proceeding to the next question. If you select an incorrect answer, additional information will be provided to explain the law. You may then select another possible answer, until you select the correct answer.</p> <p>If you find that you are frequently answering the questions incorrectly, you may want to press the Cancel button and review the course material. You can then select Assessment from the Contents menu to begin the assessment again.</p> <p>When you're ready to begin the assessment, if you are a Board or Commission member, click the Commission or Board Member assessment button. Otherwise, click the Municipal Employee assessment button.</p>
76	<p>Successful Assessment Completion</p> <p>Congratulations!</p> <p>You have successfully completed the learning assessment. If you launched this course by logging into PACE or some other LMS, click Course Credit to notify your employer that you have completed the course. If, however, you need to print out a completion certificate to submit to your employer, click Print Certificate.</p>
77	<p>Certificate Employee Data Form</p> <p>No script.</p>
78	<p>Next Steps</p> <p>Contacting the Commission</p> <p>If you have a specific question about how the conflict of interest law applies to you, you may contact the Commission by telephone, by email through the Commission's website or by letter. If you call for advice, you should ask to speak with the Attorney of the Day. The Attorney of the Day will provide you with confidential advice about your situation. Please keep in mind that you may only request advice about future conduct. The Legal Division attorneys cannot advise you regarding actions you have already taken. They also cannot discuss with you, or give you advice about, someone else's conduct, unless that person has explicitly authorized you to call on his or her behalf.</p>

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	<p>If you believe that someone has violated the conflict of interest law, you may file a confidential complaint by letter, by telephone or by e-mail with the Commission's Enforcement Division. Complaints may be filed anonymously.</p>
79	<p>Closing Credits</p> <p>This Conflict of Interest Law e-Learning course was produced by the Massachusetts State Ethics Commission with consulting, design, and development support from the Massachusetts Department of Revenue Employee Training and Development Group. This completes the training. We welcome your feedback! You can take this opportunity to send us your feedback via email by clicking the Feedback button located in the bottom right corner of your screen. You can exit the course by clicking on the Exit Course icon or by closing the course window.</p>